

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BLAKE BOOKSTAFF,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CV-85
)	(Varlan/Guyton)
WILLIAM J. MARQUEZ,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 12] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of the plaintiff's Motion for Sanctions [Doc. 10].

The plaintiff Blake Bookstaff moves pursuant to Rule 11 of the Federal Rules of Civil Procedure for sanctions against the defendant William J. Marquez and his counsel. [Doc. 10]. For grounds, the plaintiff argues that the defendant's motion to dismiss is factually unwarranted, lacks evidentiary support, and unnecessarily delays the litigation and increases litigation costs. The defendant opposes the plaintiff's motion, arguing that his motion to dismiss is properly supported and was not filed in violation of Rule 11. [Doc. 13].

The defendant's motion to dismiss, which forms the basis of the plaintiff's Rule 11 charge, has yet to be ruled on by the District Court. Absent a ruling on the motion to dismiss, there appears to be no factual or legal basis for an award of sanctions. See Fed. R. Civ. P. 11. As such,

the Court finds that the plaintiff's Motion for Sanctions [Doc. 10] is premature, and it is therefore **DENIED.**

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge